

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF United States of America	COURT CASE NUMBER Cr. 04-00181 SOM
DEFENDANT Remy Agbayani (01) and Cynthia Agbayani (02)	TYPE OF PROCESS FILED IN THE NOTICE STATES DISTRICT COURT
SERVE → AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN United States Marshal
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) Honolulu, Hawaii

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

RACHEL S. MORIYAMA, AUSA
U.S. Attorney's Office
300 Ala Moana Boulevard, Room 6-100
Honolulu, Hawaii 96850

Number of process served with this form	at 2 o'clock and 40 min. PM
Number of parties to be served in this case	
Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Please publish.

04FB1002752
03FB1004298

RECEIVED
2006 JUN 15 PM 2:53
U.S. MARSHALS SERVICE
HONOLULU, HI.

Signature of Attorney or other Originator requesting service on behalf of: Rachel S. Moriyama, AUSA	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER (808) 541-2850	DATE 6/15/06
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin No. 22	District to Serve No. 22	Signature of Authorized USMS Deputy or Clerk <i>[Signature]</i>	Date 6/15/06
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☒ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above)	Date of Service 08/09/06
	Time 3:01 pm
	Signature of U.S. Marshal or Deputy <i>[Signature]</i>

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:

PUBLICATION DATES: 07/14, 07/21, 07/28/06

**INSTRUCTIONS FOR SERVICE OF
PROCESS BY THE U.S. MARSHAL**

Please type or print legibly, insuring readability of all copies. **DO NOT DETACH ANY COPIES.**

Submit one complete set of this form (USM-285) and one copy of each writ for each individual, company, corporation, etc., to be served or property to be seized or condemned. The applicable fees for such service(s) (T28, USC Sec. 1921 establishes the fees for service of process by the U.S. Marshal) may be required prior to said service.

For service of any process upon an officer or agent of the United States Government, submit a copy of the writ and a set of Form USM-285 for each officer or agent upon whom service is desired. Submit three (3) additional copies of the writs for service upon the Government of the United States. The U.S. Marshal will serve one (1) upon the U.S. Attorney and will forward two (2) to the Attorney General of the United States. (When the applicable box is checked, completion of the final signature block by the U.S. Marshal or his Deputy always certifies service on the U.S. Attorney and the Attorney General, regardless of whether other defendants on the writ were served.) Failure to provide any of the copies will delay service of the writ.

Complete all entries above the double line. Mark all applicable check boxes and use the "Special Instructions" to advise of any information that will assist the U.S. Marshal in expediting service.

If more than one writ and USM-285 is submitted on a single case, the U.S. Marshal will receipt for all of them on the first USM-285. You will receive for your records the last (No. 5) "Acknowledgment of Receipt" copy for all the USM-285 forms you submit. When the writ is served, you will receive the No. 3 Notice of Service copy. This copy will be identical to the return to the Clerk of the Court.

Upon completion of all services (if the Marshals fees were not requested or tendered in advance or if additional fees are indicated), you will receive a "Billing Statement" (copy 4 of USM-285) from the United States Marshal. (NOTE: Copy 4 should be returned, by you, to the U.S. Marshal, together with your payment of the amount owed.)

Additional supplies of the USM-285 may be obtained from the Clerk of the U.S. District Court or U.S. Marshal, without cost.

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

COPY

AUG 02 2006

at ✓ o'clock and 6 min. ✓ M
SUF BEITIA, CLERKIN THE MATTER OF
CR. NO. 04-00181 SOMUNITED STATES OF AMERICA v. REMY
AGBAYANI (01) and CYNTHIA AGBAYANI
(02), Defendants

AFFIDAVIT OF PUBLICATION

STATE OF HAWAII)

) SS.

City and County of Honolulu)

Carrie Asuncion being duly sworn,
deposes and says that she is a clerk, duly authorized to
execute this affidavit of MidWeek Printing, Inc., publisher
of MidWeek and the Honolulu Star-Bulletin, that said
newspapers are newspapers of general circulation in the
State of Hawaii, and that the attached notice is true notice
as was published in the aforementioned newspapers as
follows:

MidWeek _____ times on _____

Honolulu Star-Bulletin 3 times on _____07/14/2006, 07/21/2006, 07/28/2006

And that affiant is not a party to or in any way interested in
the above entitled matter.

Subscribed to and sworn before me this 28th dayof July A.D. 20 06

Patricia K. Reese
Notary Public of the First Judicial Circuit
State of Hawaii

My commission expires October 07, 2006

Ad# 05523676

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAIIUNITED STATES OF AMERICA, v. REMY AGBAYANI (01)
and CYNTHIA AGBAYANI (02), Defendants,
Cr. No. 04-00181 SOM.

NOTICE IS HEREBY GIVEN that on June 14, 2006, in the
above-captioned case, the United States District Court for the
District of Hawaii entered a Preliminary Order of Forfeiture
condemning and forfeiting the interest of REMY AGBAYANI
and CYNTHIA AGBAYANI in the below listed properties and
condemning and forfeiting these properties to the United
States of America:

1. A sum of money equal to \$725,325.51 in United States currency, representing the amount of proceeds obtained as a result of the offenses listed in Count 1, for which defendants are jointly and severally liable;
2. \$378,915.25 in United States currency, being the net proceeds from the sale of the fee simple interest in the real property located at 648 Moaniala Street in Honolulu, Hawaii, titled in the name of Tyna Lynn Chang, an alias used by defendant CYNTHIA AGBAYANI, and more specifically identified as Tax Map Key No. (1) 3-7-022-005, together with all improvement, appurtenances, fixtures, attachments and easements;
3. \$243,050.28 in United States currency seized on September 16, 2003, and September 22, 2003, from American Savings Bank checking account (No. 80000394051) and savings account (No. 3001034918), both held in the name of Reanne N. Agbayani; and
4. A sum of money equal to \$275,000.00 in United States currency, representing the amount of proceeds obtained by defendant CYNTHIA AGBAYANI as a result of the offense listed in Count 4.

YOU ARE HEREBY NOTIFIED that the United States intends to dispose of these properties in such manner as the United States Department of Justice may direct.

Pursuant to 21 U.S.C. § 853(n)(1), as incorporated by 18 U.S.C. § 982(b)(1), if you have a legal interest in any of these properties, WITHIN THIRTY (30) DAYS of the final publication of this notice or of receipt of actual notice, whichever is earlier, you must petition the United States District Court for the District of Hawaii, 300 Ala Moana Boulevard, Room C-338, Honolulu, Hawaii 96850, for a hearing to adjudicate the validity of your alleged legal interest in these properties. If a hearing is requested, it shall be held before the Court alone, without a jury.

THE PETITION must be signed by the petitioner under penalty of perjury, as established in 28 U.S.C. § 1746, and shall set forth the nature and extent of your right, title and interest in each item of property, the time and circumstances of your acquisition of the right, title or interest in each item of property and any additional facts supporting your claim and the relief sought.

A copy of the petition should be served on Assistant United States Attorney RACHEL S. MORIYAMA, 300 Ala Moana Boulevard, Room 6-100, Honolulu, Hawaii 96850.

Pursuant to 21 U.S.C. § 853(n)(2), as incorporated by 18 U.S.C. § 982(b)(1), NEITHER DEFENDANTS IN THE ABOVE-STYLED CASE NOR THEIR AGENTS ARE ENTITLED TO FILE A PETITION.

ANY HEARING on your petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty (30) days of the filing of your petition. The Court may consolidate your hearing on the petition with any other hearings requested on any other petitions filed by any other person other than the defendants named above.

YOU HAVE THE RIGHT at the hearing to testify and present evidence and witnesses on your own behalf and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the properties and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the Court shall consider the relevant portions of the record of the criminal cases which resulted in the Preliminary Order of Forfeiture.